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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/318,668

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GOLLNICK

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DN37834XXBY

EXAMINER

URBAN, E

ART UNIT	PAPER NUMBER
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2683

DATE MAILED:

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WM02/0424
JOHN H. SHERMAN, LEGAL DEPARTMENT
INTERMEC TECHNOLOGIES CORPORATION
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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/318,668

Applicant(s)

Gollnick et al.

Examiner

Edward F. Urban

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on Mar 29, 2001

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 40-52 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☒ Claim(s) 40 is/are allowed.

6) ☒ Claim(s) 41-52 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☒ All b) ☐ Some* c) ☐ None of:

1. ☒ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☐ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

20) ☐ Other: _____

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DETAILED ACTION

1. The final rejection has been withdrawn in view of the following rejection. The examiner regrets any delay in prosecution.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was

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made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 41-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Natarajan et al. in view of Kawasaki et al.

As to claims 41 and 47, Natarajan et al. disclose a radio frequency data communication system containing a plurality of roaming terminals 10,12,14,16 and a plurality base stations 26,28 which transmit information packets periodically at each of defined intervals. The plurality of roaming terminals each have a power supply and selectively communicate with the base stations in which the roaming terminals maintain the radio frequency transceiver energized for selected time intervals. It is considered that the feature of each roaming terminal selectively deactivating its wireless transceiver for a consecutive plurality of defined intervals and then activates its wireless transceiver to allow receiving the information packets (figure 8A, col. 8, line 5 - col. 9, line 54) reads on the limitation "said second node selectively either entering and remaining in a low power state between the transmissions at periodic intervals or entering and remaining in a low power state between any two of the transmission at periodic intervals that are nonconsecutive".

Applicant argues that Natarajan must wake up at least twice during each time interval between consecutive headers to determine if there is data to be sent by a base station. However, although this may be true, this wake up period only occurs to determine whether it should "selectively either enter or remain in a low power state" between transmissions at periodic intervals.

Natarajan et al. does not specifically disclose the remote terminals as specifically being a data

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collection terminal. However, since Natarajan et al. disclose the terminals as being data transmission terminals, then it would have been obvious to one having ordinary skill in the art to apply this technique in a data collection environment for the simple purpose of increasing the battery life of terminals that transfer data collected at different sites. Also not disclosed is the remote data collection terminal being able to selectively deactivate its wireless transceiver for a consecutive plurality of defined intervals. However, Kawasaki et al. disclose a battery saving technique in which the transceiver deactivates its wireless transceiver for a consecutive plurality of defined intervals of signal transmission and then activates its wireless transceiver to allow receiving the information packets (figures 1 and 3 and its description). Therefore, it would have been obvious to one having ordinary skill in the art to apply this deactivation technique of Kawasaki et al. to the system of Natarajan et al. for the simple purpose of further reducing the power consumption within the device. As to claims 42 and 48, Natarajan also discloses roaming terminal 10. As to claims 43-46 and 49-52, it is considered that Natarajan discloses directing the operation of the transceiver to receive messages during a time period that follows a transmission from the first node during an "awake" time window.

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Allowable Subject Matter

5. Claim 40 is allowed.

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Urban whose telephone number is (703) 305-4385.

EFU

April 18, 2001


EDWARD F. URBAN
PRIMARY EXAMINER